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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,683	07/15/2003	Norihiro Edwin Aoki	AOL0080	9636
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GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			EXAMINER CHANKONG, DOHM	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 09/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

mn

Office Action Summary

Application No.

10/620,683

Applicant(s)

AOKI, NORIHIRO EDWIN

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,11-13,16-20 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-8, 11-13, 16-20, and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1> This action is in response to Applicant's amendment and arguments, filed 7.9.2007. Claims 1, 4-6, 8, 11-13, 16, 18, 20, 23, and 24 are amended. Claims 2, 3, 9, 10, 14, 15, 21, and 22 are canceled. Claim 25 is added. Thus, by way of Applicant's amendment, claims 1, 4-8, 11-13, 16-20, and 23-25 are presented for further examination.

2> This is a final rejection.

Response to Arguments

3> With respect to the §112 rejections, Applicant's amendments to the specification fail obviate the rejections. Applicant has amended the specification to describe an apparatus that contains the messaging client, a network (the Internet), and the messaging server. This amendment fails to fully enable the claimed invention because it fails to disclose that the automated agent and the backend system are part of the apparatus. To place the messaging client, the network, the server, the automated agent and the backend system all in the same apparatus is certainly unusual and therefore would require an enabling disclosure to help one of ordinary skill in the art to comprehend how or why such an apparatus could be created.

4> With respect to the §102 and §103 rejections, Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Applicant also argues that Lagarde teaches away from more complex interactions such as updating data. Applicant cites

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two sections in Lagarde that disclose that the invention desires minimal amount of user interaction to access desired information.

Notwithstanding the fact that nothing in the cited sections remotely discusses the concept of updating data, Applicant's analysis for a reference teaching away from a certain limitation is incorrect. The proper inquiry for whether a reference teaches away from a certain limitation is if the reference criticizes, discredits, or otherwise discourages the limitation claimed. See MPEP §2141.02(VI). Here, Lagarde does not criticize or discredit the limitation of updating data. A desire to minimize user interactions does not discourage the updating of data. Therefore, Lagarde does not teach away from the limitation as claimed.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5> Claims 1, 4-8, 11, and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant has amended the specification to describe an apparatus that contains the messaging client, a network (the Internet), and the messaging server. This amendment fails

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to fully enable the claimed invention because it fails to disclose that the automated agent and the backend system are part of the apparatus.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6> Claims 1, 4-8, 11, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 1 is rejected for being unclear. Claim 1 recites an apparatus that comprises "a messaging client for exchanging messages over a network." It is unclear how an apparatus can contain "a network" or the Internet. The amendment also places the buddies 150 within a single apparatus. It is utterly unclear how or why the buddy clients would be placed within a single apparatus. It is unclear how the implementation of placing the clients, the network, the server, the backend server all within a single apparatus would operate.

b. Claims 4-8, 11, and 12 are rejected based on their dependency on claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an

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application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7> Claims 1, 5-8, 11, 12, 13, 17-20, and 23-25 are rejected under 35 U.S.C §102(e) as being anticipated by Leber et al, U.S Patent Publication No. 2003|0182391 ["Leber"].

8> Leber was cited in the previous Office action, filed 4.9.2007.

9> As to claim 1, Leber discloses an apparatus for manipulating and updating data in a backend system, said apparatus comprising:

a messaging client for exchanging messages over a network with a messaging server to and from other messaging clients and said backend system [Figure 1 «items 100, 110, 119, 130» | 0062-0064]; and

an automated agent which is coupled to between said messaging system and said backend system which is capable of accepting requests and issuing responses, and which obtains and uses data input from said messaging clients to determine said manipulating and updating of data [0064-0069, 0138, 0254].

10> As to claim 5, Leber discloses the automated agent appearing as a buddy on a buddy list [0267].

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11> As to claim 6, Leber discloses said other messaging clients are associated with prospective meeting attendees and said discussion related to a meeting of said attendees [0096-105].

12> As to claim 7, Leber discloses said automated agent is capable of responding with information, confirmation, availability, and a request for additional information [0096-0146].

13> As to claim 8, Leber discloses said messaging client exchanges messages via said network with said messaging server by any of two-way messaging, email, a paging network, and instant messaging systems [Figure 1].

14> As to claim 11, Leber discloses said messaging clients engage in dialogs with said automated agents [0096-0146].

15> As to claim 12, Leber discloses said automated agent performs any of:
proactively sending to said messaging client messages comprising, but not limited to alerts and reminders [0096-0111];
asking a series of questions to said messaging client to determine intent [0096-0111];
and
determining resource availability [0095-0111].

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16> As to claims 13, 17-20, 23 and 24, as they do not teach or further define over the limitations of claims 1, 5-8, 11, and 12, claims 13, 17-20, 23 and 24 are rejected for at least the same reasons set forth for claims 1, 5-8, 11, and 12.

17> As to claim 25, Leber discloses a robot agent for receiving Instant Messages from a first user-client and responsively interacting between the first user-client, a calendar server system, and other user-clients to enable each of the user-clients to enter queries and updating data into, and to receive queries and data from, the calendar server system [Figure 3 «items 300, 306, 315» | Figure 5 «items, 520, 530, 522, 526» | 0030-0034].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18> Claims 1, 4, 5, 7, 8, 11-13, 16, 17, 19, 20, 23 and 24 are rejected under 35 U.S.C §102(e) as being anticipated by Lagarde et al, U.S Patent Publication No. 2003|0093480 ["Lagarde"], in view of Leber.

19> As to claim 1, Lagarde discloses an apparatus for manipulating data in a backend system using an automated agent [Figure 1 «item 106»], said apparatus comprising:

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a messaging client for exchanging messages over a network with a messaging server to and from other messaging clients and said backend system [Figure 1 «item 102» | 0040, 0043]; and

an automated agent which is coupled between said messaging server [Figure 1 «items 106, 108, 122» where : Lagarde's bot (in the bot server) is analogous to the claimed automated agent. The bot is coupled to the messaging server 122 through network 108| Figure 2 «item 210» | 0043] and said backend system which is capable of accepting requests and issuing responses, and which obtains and uses data input from said messaging clients to determine said manipulating of data [Figure 1 «items 106, 118, 110» where : Lagarde's bot is coupled to the third party system 110 through network 118| Figure 4 | «0046, 0051-0053, 0084-0105»].

Lagarde does not expressly disclose updating data in the backend system. In the same field of invention, Leber is directed towards an internet based personal information manager. Like Lagarde, Leber provides users the ability to interact with a backend system through the user of a bot [abstract]. Leber expressly discloses using data input from messaging clients to determine updating of data [0111, 0138, 0139, 0254 where : the backend system is updated by the user's text messages such as updating user information or calendar appointments].

It would have been obvious to one of ordinary skill in the art to modify Lagarde to incorporate the updating functionality as taught by Leber. One would have been motivated to modify Lagarde to increase the functionality of his chat-bot system by providing updating and storage data capability [see Leber, 0027, 0028].

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20> As to claim 4, Lagarde discloses said automated agent initiates messaging communications to said plurality of other entities and mediates a discussion related to said input data [0084-0105].

21> As to claim 5, Lagarde discloses said automated agent appears as a buddy on a buddy list [Figure 5].

22> As to claim 7, Lagarde discloses said automated agent is capable of responding with any of, but not limited to: information, confirmation, availability, and a request for additional information [0084-0105].

23> With respect to claim 8, the Office interprets the transitional phrase “any of” as requiring a teaching of at least one of the four limitations but not all of them. That is, as long as a prior art teaches at least one of the four limitations for exchanging messages, then the prior art reads on the claim. Thus, as to claim 8, Lagarde discloses said messaging client exchanges messages via said network with said messaging server by two-way messaging in real-time and instant messaging systems in two-way in real-time [0007].

24> As to claim 11, Lagarde discloses said messaging client engages in a dialog with said automated agent [0084-0105].

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25> Similarly to claim 8, claim 12 contains the transitional phrase “any of.” This phrase is interpreted as requiring at least one of the listed limitations. As to claim 12, Lagarde discloses said automated agent performs asking a series of questions to said messaging client to determine intent [0084-0105].

26> As to claims 13, 16, 17, 19, 20, 23, and 24, as they do not teach or further define over previously claimed limitations, they are rejected for at least the same reasons set forth for claims 1, 4, 5, 7, 8, 11, and 12, respectively.

27> Claims 6 and 18 are rejected under 35 U.S.C §103(a) as being unpatentable over Lagarde and Leber, in view of Zircher et al, U.S Patent No. 7.139.798 [“Zircher”].

28> As to claim 6, Lagarde does not expressly disclose that the automated agent initiates messaging communications to prospective meeting attendees and mediates a discussion related to said meeting.

29> In the same field of invention, Zircher is directed to a system that enables collaboration through private shared spaces. The system relies upon bots (automated agents) to facilitate the shared spaces [abstract]. The bots respond to and initiate instant messages to potential collaborators that invite the collaborators to shared spaces [column 9 «line 42» to column 10 «line 5»].

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Zircher discloses that the automated agent initiates messaging communications to prospective meeting attendees and mediates a discussion related to said meeting [column 9 «line 42» to column 10 «line 5» | column 19 «lines 32-46» where : a bot an automatically invite users to a shared space (meeting) and mediates a discussion with the invited user || column 3 «lines 20-32» | column 20 «lines 17-31» where : bots can be instantiated with specific functions such as assisting in scheduling meetings]. It would have been obvious to one of ordinary skill in the art to modify Lagarde's bots to incorporate the functionality of Zircher's bots. One would have been motivated to perform such a modification because the functionality exhibited in Zircher's bots would improve upon Lagarde's invention by increasing the functionality of Lagarde's bots, including enabling collaboration among users in a shared spaces, scheduling meetings or calendar functions [column 19 «lines 32-46» | column 20 «lines 17-31»].

30> As to claim 18, as it does not teach or further define over previously claimed limitations, it is rejected for at least the same reasons set forth for claim 6.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

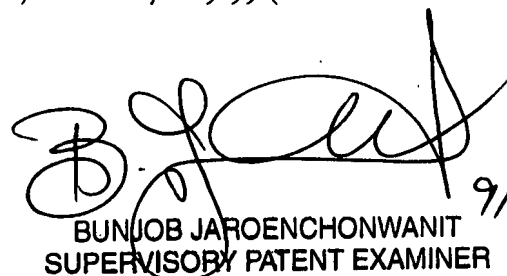
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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER 9/12/7